

Calendar No. 302

112TH CONGRESS
2^D SESSION

S. 97

[Report No. 112-136]

To amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JANUARY 26, 2012

Reported by Mrs. BOXER, with amendment

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “San Francisco Bay
5 Restoration Act”.

1 **SEC. 2. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
 2 **GRAM.**

3 Title I of the Federal Water Pollution Control Act
 4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 5 the following:

6 **“SEC. 123. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
 7 **GRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ANNUAL PRIORITY LIST.—The term ‘an-
 10 nual priority list’ means the annual priority list com-
 11 piled under subsection (b).

12 “(2) COMPREHENSIVE PLAN.—The term ‘com-
 13 prehensive plan’ means—

14 “(A) the comprehensive conservation and
 15 management plan approved under section 320
 16 for the San Francisco Bay estuary; and

17 “(B) any amendments to that plan.

18 “(3) ESTUARY PARTNERSHIP.—The term ‘Es-
 19 tuary Partnership’ means the San Francisco Estu-
 20 ary Partnership, the entity that is designated as the
 21 management conference under section 320.

22 “(b) ANNUAL PRIORITY LIST.—

23 “(1) IN GENERAL.—After providing public no-
 24 tice, the Administrator shall annually compile a pri-
 25 ority list identifying and prioritizing the activities,

1 projects, and studies intended to be funded with the
2 amounts made available under subsection (c).

3 “(2) INCLUSIONS.—The annual priority list
4 compiled under paragraph (1) shall include—

5 “(A) activities, projects, or studies, includ-
6 ing restoration projects and habitat improve-
7 ment for fish, waterfowl, and wildlife, that ad-
8 vance the goals and objectives of the approved
9 comprehensive plan;

10 “(B) information on the activities, projects,
11 programs, or studies specified under subpara-
12 graph (A), including a description of—

13 “(i) the identities of the financial as-
14 sistance recipients; and

15 “(ii) the communities to be served;
16 and

17 “(C) the criteria and methods established
18 by the Administrator for selection of activities,
19 projects, and studies.

20 “(3) CONSULTATION.—In developing the pri-
21 ority list under paragraph (1), the Administrator
22 shall consult with and consider the recommendations
23 of—

24 “(A) the Estuary Partnership;

1 “(B) the State of California and affected
2 local governments in the San Francisco Bay es-
3 tuary watershed; and

4 “(C) any other relevant stakeholder in-
5 volved with the protection and restoration of
6 the San Francisco Bay estuary that the Admin-
7 istrator determines to be appropriate.

8 “(c) GRANT PROGRAM.—

9 “(1) IN GENERAL.—Pursuant to section 320,
10 the Administrator may provide funding through co-
11 operative agreements, grants, or other means to
12 State and local agencies, special districts, and public
13 or nonprofit agencies, institutions, and organiza-
14 tions, including the Estuary Partnership, for activi-
15 ties, studies, or projects identified on the annual pri-
16 ority list.

17 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
18 ERAL SHARE.—

19 “(A) MAXIMUM AMOUNT OF GRANTS.—
20 Amounts provided to any individual or entity
21 under this section for a fiscal year shall not ex-
22 ceed an amount equal to 75 percent of the total
23 cost of any eligible activities that are to be car-
24 ried out using those amounts.

1 “(B) NON-FEDERAL SHARE.—The non-
 2 Federal share of the total cost of any eligible
 3 activities that are carried out using amounts
 4 provided under this section shall be—

5 “(i) not less than 25 percent; and

6 “(ii) provided from non-Federal
 7 sources.

8 “(d) FUNDING.—

9 ~~“(1) AUTHORIZATION OF APPROPRIATIONS.—~~

10 ~~There are authorized to be appropriated to the Ad-~~
 11 ~~ministrator to carry out this section such sums as~~
 12 ~~are necessary for each of fiscal years 2012 through~~
 13 ~~2021.~~

14 “(1) AUTHORIZATION OF APPROPRIATIONS.—

15 *There is authorized to be appropriated to the Admin-*
 16 *istrator to carry out this section \$5,000,000 for each*
 17 *of fiscal years 2012 through 2016.*

18 “(2) ADMINISTRATIVE EXPENSES.—Of the
 19 amount made available to carry out this section for
 20 a fiscal year, the Administrator shall use not more
 21 than 5 percent to pay administrative expenses in-
 22 curred in carrying out this section.

23 “(3) RELATIONSHIP TO OTHER FUNDING.—

24 Nothing in this section limits the eligibility of the

1 Estuary Partnership to receive funding under sec-
2 tion 320(g).

3 “(4) PROHIBITION.—No amounts made avail-
4 able under subsection (c) may be used for the ad-
5 ministration of a management conference under sec-
6 tion 320.”.

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